

# MG&E-Rates

3270-UR-120

## Transcript of Proceedings

Volume 1

## Prehearing Conference

June 27, 2014

**ORIGINAL**



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BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

-----  
APPLICATION OF MADISON GAS AND )  
ELECTRIC COMPANY FOR AUTHORITY TO ) Docket No.  
CHANGE ELECTRIC AND NATURAL GAS RATES) 3270-UR-120  
-----

EXAMINER MICHAEL NEWMARK, PRESIDING

TRANSCRIPT OF PROCEEDINGS

VOLUME 1

PREHEARING CONFERENCE

**ORIGINAL**

Reported By:

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June 27, 2014

Public Service Commission  
Madison, Wisconsin

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1 - 23, Incl.

EXHIBITS:

(None.)

## A P P E A R A N C E S

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7

8 OF THE COMMISSION STAFF

9 MICHAEL VARDA, Legal Counsel

10 Jeff Ripp

11 Jodee Bartels

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1 (Discussion off the record.)

2 EXAMINER NEWMARK: We'll get on the  
3 record. So this is the prehearing conference.  
4 We're here to identify the parties, issues,  
5 schedule, and other facilitating matters. So in  
6 terms of parties, we have -- well, let me just make  
7 sure we all have gotten the prehearing conference  
8 memo, the draft of that. Has everyone seen that?  
9 And we have the applicant and parties listed. So  
10 with the addition of NRDC, that would be all the  
11 people who have intervened. Any objections to that  
12 list of intervenors?

13 MR. HUGHES: No.

14 EXAMINER NEWMARK: No? All right. Well,  
15 there you go. You're all parties in the case. And  
16 we can move on to issues.

17 MR. VARDA: The National Resources Defense  
18 Council will be added onto this draft?

19 EXAMINER NEWMARK: Yeah, with the addition  
20 of that. So there will be 12 intervenors  
21 altogether. Any issues? Any problems with the  
22 issues?

23 MR. HUGHES: Your Honor, MG&E is fine with  
24 the statement of the issues. Speaking of the  
25 issues, there have been some discussions among the

1 applicant and some of the parties about ways to  
2 streamline the issues in this case proceeding. I  
3 don't know if this is an appropriate time to  
4 describe those.

5 EXAMINER NEWMARK: Now is better than  
6 never.

7 MR. HUGHES: Actually, I have a little  
8 statement to describe what we're doing and why we're  
9 doing it, if the Judge would indulge.

10 EXAMINER NEWMARK: Sure. Go ahead.

11 MR. HUGHES: MG&E's rate case application  
12 presents a number of important policy issues about  
13 how all customers should be fairly and appropriately  
14 charged for the cost of reliable electric service  
15 and the value the electric grid provides to those  
16 who use it. This case also raises important issues  
17 regarding the role a public utility like MG&E, with  
18 an obligation to provide service to all customers,  
19 can play in a world of changing technologies.

20 Before filing its application, MG&E met  
21 with community stakeholders to preview its filing  
22 and explain the reasons behind its proposals. MG&E  
23 has continued outreach since the application was  
24 filed. During these discussions, it became clear  
25 that a broad range of stakeholders recognize the

1           significance and complexity of the issues that  
2           MG&E's application attempts to address. This raises  
3           a question of whether the time available to us in  
4           this rate case will be sufficient to undertake the  
5           type of careful analysis and exploration of the  
6           range of feasible options that these important  
7           issues deserve.

8                       Consequently, MG&E was receptive when  
9           Citizen Utility Board's acting executive director,  
10          Ms. Loehr, contacted us to suggest an alternative  
11          approach to the rate case that would enable us to  
12          consider the rate design issues in a more focused  
13          and deliberative fashion. Through subsequent  
14          conversations, MG&E and CUB have arrived at an  
15          approach that we believe best serves the interests  
16          of MG&E's customers. As a result of our discussions  
17          with CUB, MG&E will make the following changes to  
18          its rate case filing.

19                      First, MG&E will suspend its request for  
20          new demand charges for customer groups that  
21          currently do not pay demand charges, subject to a  
22          reopener of this proceeding for the 2016 test year.  
23          Second, MG&E will reduce its requested grid  
24          connection service charge for 2015 to \$4.03 per bill  
25          per month for residential customers, Rg-1 and Rg-2,



1 and small commercial and industrial customers, Cg-3  
2 and Cg-5. CUB has agreed not to contest the  
3 customer charge and grid connection service charge  
4 for the Rg-1, Rg-2, Cg-3 and Cg-5 customer classes  
5 during this stage of the proceeding.

6 Third, MG&E will suspend its rate design  
7 proposals for 2016 for the Rg-1, Rg-2, Cg-3 and Cg-5  
8 customer groups. Fourth, MG&E and CUB will work  
9 together in good faith over the next six to nine  
10 months to explore electric rate design approaches  
11 that appropriately consider how MG&E can continue to  
12 meet its obligations to serve all customers,  
13 maintain a reliable electric grid, and harness the  
14 benefits of evolving distributed generation for the  
15 benefit of all customers.

16 Fifth, following the collaborative  
17 process, MG&E will file a reopener of this  
18 proceeding for the 2016 test year. Among the  
19 reopener issues will be rate design for the 2016  
20 test year for the Rg-1, Rg-2, Cg-3 and Cg-5 customer  
21 groups. Nothing in this agreement MG&E has reached  
22 with CUB will restrict MG&E or CUB from advocating  
23 any position in the reopener proceeding. And,  
24 finally, MG&E will promptly file supplemental direct  
25 testimony that amends its application to reflect

1           these changes.

2                   MG&E appreciates CUB's constructive  
3           suggestions about procedure as well as the feedback  
4           the company has received from all stakeholders. We  
5           look forward to working through these complex and  
6           important issues and arriving at a rate structure  
7           that fairly and reasonably balances the interests of  
8           the company and all its customers.

9                   I have copies of these if anyone wants it.  
10          And just to be clear, we are reducing the grid  
11          connection service charge and that will require that  
12          we file supplemental direct testimony that proposes  
13          a different set of rates for 2015. And so given the  
14          revenue requirement, the energy charge will have to  
15          go up slightly to reflect the decrease in the fixed  
16          charge.

17                   EXAMINER NEWMARK: Okay. So let me just  
18          understand. This isn't changing revenue requirement  
19          or cost of service, just rate design issues is what  
20          you're --

21                   MR. HUGHES: Just rate design for those  
22          four customer classes.

23                   EXAMINER NEWMARK: Okay. And I should  
24          probably ask Ms. Loehr if it was accurately  
25          described in terms of what CUB's agreeing to.

1 MS. LOEHR: I have a reaction to that, if  
2 you have a moment.

3 EXAMINER NEWMARK: I sure do. Go ahead.

4 MS. LOEHR: CUB had significant concerns  
5 with MG&E's proposal to increase fixed charges for  
6 residential and small business customers to nearly  
7 \$50 per month in 2016 with the possibility of an  
8 increase to nearly \$70 per month in 2017. Thus, CUB  
9 appreciates MG&E's willingness to suspend those  
10 proposals, consider additional input and devote more  
11 time to work through the complex and important  
12 issues raised as a result of MG&E's application.

13 CUB believes that Mr. Hughes' statement  
14 accurately captures the discussions between CUB and  
15 MG&E. CUB also notes that its decision not to  
16 contest the customer charges and grid connection  
17 charges for the 2015 test year is reflective of the  
18 give-and-take between CUB and MG&E, does not reflect  
19 CUB's position on the appropriateness of those  
20 levels, and should not be considered precedential in  
21 the reopener of this proceeding or any other  
22 proceeding.

23 CUB looks forward to working with MG&E to  
24 explore alternative ways for MG&E to fairly and  
25 appropriately recover costs of providing safe,

1 reliable and affordable electric service into the  
2 future.

3 EXAMINER NEWMARK: Okay. I'm sure this  
4 isn't a surprise to most of you. So are there any  
5 other comments on the statement from CUB and the  
6 company?

7 MR. VERCAUTEREN: Well, I have something  
8 to say.

9 EXAMINER NEWMARK: Yeah, go ahead.

10 MR. VERCAUTEREN: Jeff Vercauteren  
11 representing Wind on the Wires. I -- you know, Wind  
12 on the Wires is relatively new to the rate case  
13 process; and I think we find it highly unusual that  
14 two of the parties would come to an agreement  
15 outside of a dialogue with the other parties to this  
16 case.

17 We have I think 12 intervenors in this  
18 case now, and I think to find out about this  
19 agreement at the prehearing conference is highly  
20 unusual for us.

21 EXAMINER NEWMARK: Okay. So other parties  
22 weren't informed about this until now; is that what  
23 I'm to understand?

24 MR. HUGHES: Not all were. Many were.

25 EXAMINER NEWMARK: And in terms -- go

1 ahead.

2 MR. NORMAN: Andrew Norman. We weren't  
3 informed, I'm assuming it's because it doesn't  
4 affect us, and that's what I understand from what  
5 was just read into the record. So I guess I'd just  
6 like to confirm that.

7 EXAMINER NEWMARK: All right. Well, I  
8 guess we'll see in terms of MG&E's supplemental  
9 direct, when do you expect that'll be filed?

10 MR. HUGHES: Well, we had discussed a  
11 deadline of that for supplemental direct of  
12 July 18th. It will be prior to or on July 18th,  
13 we'll get it filed as soon as we can.

14 EXAMINER NEWMARK: Okay. Yeah, I mean,  
15 that's -- so you have announced the agreement  
16 between CUB and MG&E. I'm not sure if that's a  
17 request for me to do anything. I don't know if  
18 there is something that you're looking for me to do  
19 at this point.

20 MR. HUGHES: I don't think so.

21 EXAMINER NEWMARK: Okay.

22 MR. HUGHES: It certainly doesn't bind any  
23 other parties. They're free to argue whatever their  
24 position is as to any of the issues that we will be  
25 presenting in the case.

1 EXAMINER NEWMARK: Okay. That's correct.  
2 So just so everyone's clear, yeah, that is how we'll  
3 run this case in terms of this agreement does not  
4 affect any of the presentations of the other  
5 parties. So, yes, go ahead.

6 MR. VARDA: Staff would say that it isn't  
7 just strictly that it doesn't affect other parties'  
8 presentations. In a sense, the initial case of MG&E  
9 has been narrowed and the opponents have to look at  
10 what is the case being made by MG&E and respond to  
11 that and not view this case as a forum for  
12 extraneous issues that would have been included in  
13 the original presentation, but no longer are part of  
14 the scope of the evidence to which MG&E is directing  
15 its case. This should have a narrowing effect, but  
16 I don't want to be more descriptive in my view than  
17 that.

18 MS. WILLIAMS: Your Honor, this is  
19 Samantha Williams from NRDC on the phone. I have a  
20 quick question.

21 EXAMINER NEWMARK: Yeah, go ahead.

22 MS. WILLIAMS: This is strictly to be  
23 directed toward CUB or the attorney for MG&E. You  
24 had mentioned the collaborative process that would  
25 last I think you said eight to nine months at which

1 point you would file the reopener, and that the  
2 issues to be discussed would be the rate design for  
3 2016 and 2017.

4 Understanding that you've come to this  
5 agreement only with CUB at this point, do you intend  
6 to involve any of the other intervenors in that  
7 collaborative process?

8 MR. HUGHES: The details of the  
9 collaborative process haven't been worked out, and  
10 we will -- we're open to discussing with anyone  
11 what, you know, how that process will work and the  
12 structure in which we'll go forward, although MG&E  
13 anticipates working with CUB primarily on it. But,  
14 you know, we're open to discussions about how it  
15 will be structured and the range of other parties'  
16 involvement.

17 And you had mentioned that the reopener  
18 will be for 2016 and '17. It would only be for  
19 2016.

20 MS. WILLIAMS: I see. Thank you for  
21 clarifying.

22 EXAMINER NEWMARK: Okay. Yeah. I'm not  
23 really sure if there is -- I mean, Mr. Varda  
24 mentioned the limiting effect of the supplement --  
25 that the supplemental application will have on the

1 case. But in terms of the policy issue of the  
2 network connection charge, I think that's one of  
3 first impression; and I don't -- I think in terms of  
4 that especially there will be opportunity for  
5 parties to raise anything they want on that regard.  
6 I mean, there won't be -- I suppose there wouldn't  
7 necessarily need to be testimony on what the company  
8 had originally proposed, but -- and I think that  
9 what was described as the supplemental really  
10 doesn't change the substance of the proposal, just  
11 the amount, just the, you know, the...

12 MR. HUGHES: Well, it does change it in  
13 the sense that the demand charges are not on the  
14 table at this point. And the -- well, the  
15 significant increases in the 2016 rates are no  
16 longer -- for those four customer groups are no  
17 longer in the case.

18 EXAMINER NEWMARK: Okay. Well, does  
19 anyone have --

20 MR. BENDER: Your Honor, nothing on the  
21 substance. But on the procedure, the supplemental  
22 or I understand to be the supplemental direct  
23 testimony that is coming in is, if I understand  
24 correctly, more like replacement testimony of at  
25 least one, maybe a couple witnesses, which the first



1 round took up a large part of their testimony. So  
2 just making sure that the parties have time once  
3 that comes in to fully digest it and to respond.  
4 Because otherwise it -- you know, we've had the  
5 first round of testimony for a while; but, you know,  
6 that time may be of no benefit depending on what  
7 comes in as the next round of testimony.

8 EXAMINER NEWMARK: Well, the direct for  
9 intervenors and staff will be September 9th  
10 according to the schedule. And I guess we're --  
11 Mr. Hughes represents a mid July date for the filing  
12 of supplemental direct. Is that not going to be  
13 enough time or do you need to see it first or -- ?

14 MR. VARDA: Staff would interject that we  
15 had discussions about any supplemental direct and  
16 the character of it has now changed. But that  
17 July 18 deadline is a great imperative for the staff  
18 in the ability to continue DR requests to MG&E and  
19 to be able to timely prepare testimony. We do not  
20 at all favor any filing date later than July 18.

21 EXAMINER NEWMARK: Okay.

22 MR. HUGHES: Your Honor, I think -- the  
23 case will be simplified in that part of what we had  
24 filed will be withdrawn. The only thing that I  
25 believe will be changed is the specific rate design

1 for 2015 for these four customer classes. And the  
2 customer -- or the grid connection service charge  
3 will be reduced to the extent that I described, and  
4 then there will be a corresponding increase in the  
5 energy charge. But that will be the only change in  
6 what we file that will continue to be a part of the  
7 case.

8 EXAMINER NEWMARK: Okay. Okay. Well, I'm  
9 satisfied that this schedule should work if that's  
10 the case.

11 MR. HUGHES: And just to be clear, we had  
12 discussed before, there will be a couple of other  
13 items for supplemental direct that will be possibly  
14 pension changes and some testimony regarding the  
15 WPDES settlement and the ERGS matter and rate  
16 recovery for that and one other topic, limited topic  
17 which I can't think of at the moment.

18 MR. VARDA: The PGA?

19 MR. HUGHES: Pardon?

20 MR. VARDA: The PGA?

21 MR. HUGHES: Yeah, that's right,  
22 Mr. Minor's testimony. Thank you.

23 EXAMINER NEWMARK: And you think that can  
24 all come in by the 18th of July?

25 MR. HUGHES: Oh, sure.

1 EXAMINER NEWMARK: Okay. We'll set that  
2 as a deadline then, and then that should be enough  
3 time for parties. Anything else with the issues  
4 then?

5 MR. VARDA: I had one question I direct to  
6 MG&E's counsel about when you use the concept in  
7 your statement regarding distributed generation, can  
8 you give us any more detail respecting the  
9 definition that you have in mind or is that part of  
10 the collaborative process?

11 MR. HUGHES: Well, I'm really not in a  
12 position to give you a fully-fleshed-out definition  
13 of the term, but I think it -- the evolving  
14 technology that's being utilized and incorporated  
15 into the grid is something that will be a subject of  
16 discussion in how that affects MG&E's cost of doing  
17 business and rate design.

18 EXAMINER NEWMARK: Okay. Anything else  
19 with the issues? No?

20 All right. We'll move on to schedule.  
21 We'll add July 18th for supplemental direct. And I  
22 suppose it's more accurate to describe the next  
23 round as intervenor and staff direct testimony.  
24 I'll make that change. But I -- in terms of  
25 intervenor testimony, I'm curious as to whether --

1       there's a number of parties here; and I don't know  
2       if parties have conferred about their interests in  
3       particular in the case and if some are aligned in a  
4       certain way, if they could file joint testimony, or  
5       is that -- do you think that will be a possibility  
6       or not?

7                   MS. NEKOLA: We haven't discussed that  
8       with anybody.

9                   MR. PABELLON: Your Honor, the City of  
10      Monona and County of Dane and City of Madison had  
11      preliminary discussions on how to proceed in a way  
12      that we could more efficiently present our case per  
13      the PSC's suggestion, but we don't have anything  
14      definitive at the moment.

15                  EXAMINER NEWMARK: Okay. Well, I just  
16      encourage parties if they are aligned, that if they  
17      file joint testimony, that would just keep the  
18      amount of -- the volume in the case down, I suppose.  
19      But of course that's not a requirement, so I won't  
20      hold you to it now.

21                  So anything else with the schedule? I  
22      wonder if the parties know if they're interested in  
23      having two rounds of briefing because we only have a  
24      deadline for the reply brief right now. So we could  
25      set a date now or we could wait until the end of the

1 hearing. It's up to you.

2 I just think there's probably a date right  
3 in the middle here after the hearing and before the  
4 reply brief is due that would probably make sense.  
5 So we just set a date in the middle there.

6 MR. HUGHES: Your Honor, I would suggest  
7 for discussion purposes Monday, October 13th.

8 EXAMINER NEWMARK: Okay. Any comments on  
9 that? No?

10 All right. Well, we'll set initial brief  
11 for Monday, the 13th of October.

12 All right. So in terms of facilitating  
13 matters, anything we need to discuss, comments on  
14 the memo or any other issues?

15 MR. VERCAUTEREN: I have one question. I  
16 don't know if this is the appropriate time to ask it  
17 or not, but we'll see how it goes. I believe that  
18 CUB had filed its IC application contemplating to  
19 provide expert testimony on rate design issues. So  
20 I guess I have a question for CUB of whether they  
21 plan to revise that IC application, I'm not sure if  
22 the order was already received, such that there  
23 would be funds available for other intervenors to  
24 provide testimony on that issue.

25 MS. LOEHR: I think regardless of what CUB

1 does with the intervenor compensation award it  
2 received, the intervenor compensation fund has a  
3 significant amount of dollars remaining in it at  
4 this point and there is no indication that reducing  
5 CUB's award is necessary at this point in order to  
6 allow additional parties the opportunity to receive  
7 intervenor compensation.

8 Because CUB intends to work with MG&E on  
9 exactly the same issues identified within the  
10 application, we will be confirming whether the order  
11 needs to change in any way, but we expect to  
12 continue to use the funds exactly as we identified  
13 and were awarded.

14 MR. VERCAUTEREN: I guess my only question  
15 is whether -- I think in other cases the Commission  
16 has looked at whether -- in terms awarding IC of  
17 whether the same intervenors are testifying on the  
18 same issues. So I guess to the extent there is that  
19 risk of a view of overlap, maybe -- I guess that is  
20 something we'll just have to deal with if other  
21 parties are going to file for IC. But I guess I  
22 just wanted to raise that potential issue at this  
23 point.

24 EXAMINER NEWMARK: Okay. That's fine.  
25 All right. So any other questions? All right.

1 Well, with that we can adjourn. Looks like we have  
2 everything we need. Thanks.

3 (The hearing adjourned at 2:25 p.m.)  
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1 STATE OF WISCONSIN )

2 MILWAUKEE COUNTY )

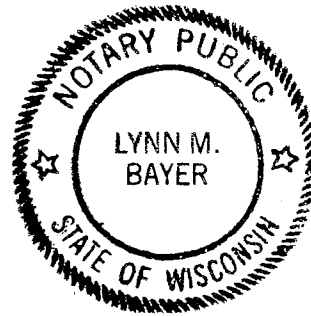
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11  
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13

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